

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DONNA WOOD, et al., individually and on behalf of  
all others similarly situated,

Plaintiffs,

v.

MIKE BLOOMBERG 2020, INC.,

Defendant.

20 Civ. 2489 (LTS) (GWG)

**NOTICE OF CONSTITUTIONAL  
QUESTION PURSUANT TO FED. R.  
CIV. P. 5.1**

Pursuant to 29 U.S.C. § 2403 and Federal Rule of Civil Procedure 5.1(a), Defendant Mike Bloomberg 2020, Inc. (the “Campaign”) hereby gives notice that the constitutionality of the federal and state statutes set forth below, as applied to field organizers who worked for the Campaign, have been drawn into question by the Campaign in its memoranda of law in support of its motions to decertify the collective (Dkt. 433) and for summary judgment (Dkt. 445). Specifically, the Campaign asserts that it would violate the First Amendment to the Constitution to require the Campaign to pay Plaintiffs, who are former field organizers, overtime under the following state and federal statutes:

- Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201, *et seq.*
- New York Labor Law Article 6, § 190 *et seq.*, Article 19, § 650 *et seq.*, and N.Y. Comp. Codes R. & Regs. tit. 12, § 142-2.2
- California Wage Order Nos. 4-2001 & 7-2001; Cal. Lab. Code §§ 510, 512, 1194, 1198
- California Business & Professions Code §§ 17200 *et seq.*
- California Private Attorney General Act of 2004 (“PAGA”) (Cal. Labor Code §§ 2698 *et seq.*)
- Michigan Workforce Opportunity Wage Act (Mich. Comp. Laws §§ 408.414a; 408.412)
- Wis. Stat. §§ 103 and 104, and Wis. Admin. Code § DWD 274.03
- Illinois Minimum Wage Law (820 ILCS 105/1 *et seq.*)

- Minnesota Fair Labor Standards Act (Minn. Stat. §§ 177.23, 177.25) and Minn. R. 5200 *et seq.*
- North Carolina Wage and Hour Act (N.C. Gen. Stat. Ann. § 95-25.1 *et seq.*)

Copies of the Campaign's memoranda of law in support of its motions to decertify the collective and for summary judgment are enclosed herewith and will be served on the Attorney General of the United States and State Attorney Generals of New York, California, Michigan, Wisconsin, Illinois, Minnesota, and North Carolina concurrently with the filing of this Notice.

Dated: April 22, 2024

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/s/ Elise M. Bloom

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**AFFIRMATION OF SERVICE**

I, Elise M. Bloom, an attorney duly admitted to practice law in the State of New York and not a party to the above-captioned action, affirm under penalty of perjury that on April 22, 2024, I served a true and correct copy of a NOTICE OF CONSTITUTIONAL QUESTION PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 5.1, together with true and correct copies of Defendant's memoranda of law in support of its motions to decertify the collective and for summary judgment, on the following:

**BY ELECTRONIC CASE FILING**

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